

Date: Friday, June 29, 2007
To: Bay-Delta Conservation Plan (BDCP) Steering Committee
From: BDCP Steering Committee Outreach Work Group
Subject: Public Outreach Process for BDCP (For Steering Committee Action)

As many Steering Committee members are aware, there has been recent correspondence among members highlighting the need for early and consistent outreach to the public on the development of the BDCP in an attempt to get broader public input on the various conservation and conveyance options that are being considered.

The Department of Fish and Game (DFG) has received a Section 6 grant from the U.S. Fish and Wildlife Service to fund BDCP outreach tasks. The Outreach Work Group considered the mechanisms by which a consultant may be hired to initiate the Public Outreach Program (including legal requirements for public involvement stipulated by NEPA, CEQA, and NCCPA) as well as the time constraints presented by the various contracting processes DFG could pursue.

The Outreach Work Group recommends that, in the interest of time, it would be most expeditious for DFG to pursue an Interagency Agreement (IA) with a governmental entity, most likely one of the PREs, at which point that entity would proceed with the issuance of an RFQ (a draft is attached), selection of a consultant, and preparation of a contract to secure their services.

If the Steering Committee approves of this recommendation, DFG staff expects the IA to move forward after the budget has been approved for State FY 2007-2008 (likely mid-late July), at which point the RFQ would be released. One of the first tasks the selected consultant would take on is the development of a detailed work plan, schedule, and budget. The Outreach Committee recommends that the consultant selected through this RFQ process would be retained to implement a public outreach program for the development of the BDCP and subsequent EIR/EIS. However, budget and work tasks would be approved by the Steering Committee in phases. Currently identified funding (DFG Section 6 Grant of \$200,000) will likely cover only a portion of the public outreach program.

Recommended Action: Steering Committee approval of DFG proceeding with an IA with a qualified PRE, for the purpose of initiating the RFQ for a consultant to undertake BDCP public outreach tasks.

**Bay-Delta Conservation Plan – Public Involvement and Outreach Program
Request for Qualifications (RFQ)**

Statement of Qualifications Due on _____ [insert date and time]

Background

The California Department of Water Resources (DWR), U.S. Bureau of Reclamation (Reclamation), the Metropolitan Water District of Southern California (MWD), the Kern County Water Agency (KCWA), the Santa Clara Valley Water District (SCVWD), Alameda County Flood Control and Water Conservation District, Zone 7 (Zone 7), the San Luis and Delta Mendota Water Authority (SLDMWA), the Westlands Water District (WWD), and Mirant Delta (known collectively as the “Potentially Regulated Entities”) are preparing a conservation plan for their existing and new operations in the Sacramento-San Joaquin Delta (Delta). This plan, called the Bay-Delta Conservation Plan (BDCP), is being developed to obtain take permits from state and federal agencies (California Department of Fish and Game [DFG], National Marine Fisheries Service [NMFS], and U.S. Fish and Wildlife Service [USFWS], collectively the Fishery Agencies) and for use in relevant consultations for federal agencies pursuant to Section 7 of the ESA. The BDCP is intended to satisfy the requirements of a federal habitat conservation plan (HCP) and result in permits under Section 10(a)(1)(B) of the Endangered Species Act (ESA). The BDCP is also intended to comply with the requirements necessary to obtain take authorization provided by the California Fish & Game Code by satisfying the requirements of a Natural Community Conservation Plan (NCCPA) under Section 2835 of the Fish and Game Code or by satisfying the requirements of the incidental take permit requirements under Section 2081 of the Fish & Game Code. Nothing in the BDCP should be expected to preclude the completion of the NCCP Act process. The Public Involvement and Outreach Program is being implemented to be consistent with the guidelines for preparation of an NCCP/HCP.

The BDCP is being prepared with the close coordination and cooperation of The Resources Agency, DFG, NMFS, and USFWS, and key stakeholders such as The Nature Conservancy, Environmental Defense, Defenders of Wildlife, California Farm Bureau, the Natural Heritage Institute, and American Rivers. All of these agencies and organizations, along with the Potentially Regulated Entities, are members of a Steering Committee that will guide the preparation of the BDCP.

The BDCP is focused on the aquatic environment and associated ecosystems within the legal Delta, and other areas upstream and downstream of the legal Delta where conservation actions may occur. Species intended to be covered by the BDCP include federally and state listed, and candidate aquatic species such as Central Valley steelhead, Central Valley Chinook salmon (spring run and fall/late-fall runs), Sacramento River Chinook salmon (winter run), Delta smelt, longfin smelt, splittail, and green and white sturgeon. Other species may be added as covered species during the planning process.

Activities to be covered by the BDCP may include, but are not necessarily limited to, existing or new activities related to:

- Conveyance elements of the State Water Project (SWP) and Central Valley Project (CVP);
- Operational activities, including power generation and emergency preparedness, of the SWP and CVP;
- Water transfers to Water Contractors or to serve environmental programs
- Maintenance of the SWP, CVP, and other applicant facilities;
- Facility improvements of the SWP and CVP;
- Ongoing operation of, and recurrent and future projects related to Other Delta Water Users; and
- Conservation measures included in the BDCP, including, but not limited to, adaptive habitat management, restoration, enhancement, and monitoring activities.

The planning goals for the BDCP include:

- Provide for the conservation and management of covered species within the planning area;
- Preserve, restore and enhance aquatic, riparian and associated terrestrial natural communities and ecosystems that support covered species within the planning area through conservation partnerships;
- Allow for projects to proceed that restore and protect water supply, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework;
- Provide a means to implement covered activities in a manner that complies with applicable State and federal fish and wildlife protection laws, including CESA and FESA, and other environmental laws, including the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA);
- Provide a basis for permits necessary to lawfully take covered species;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements for covered activities within the planning area;
- Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review; and
- Provide clear expectations and regulatory assurances regarding covered activities occurring within the planning area.

It is the intention of the Potentially Regulated Entities to finish the BDCP in 2009.

Scope of Work

The preparation of the BDCP is a complex process that will involve multiple consultants over several years. The process will require outside consultants in the following three major categories of work:

1. Preparation of the BDCP
2. Preparation of the EIS/EIR for the BDCP
3. Public Involvement and Outreach

Development and implementation of a public involvement and outreach program for the BDCP and EIS/EIR is the subject of this RFQ and will involve the following broad tasks:

- Develop a detailed work plan, schedule and budget
- Identify method for maximizing use of existing agency outreach resources
- Interface with other Delta planning efforts such as Delta Vision, Delta Risk Management Study, and others
- Identify key audiences, and evaluate needs and opportunities for stakeholder outreach / involvement
- Develop key messages
- Establish and maintain contact database
- Assisting agencies in preparing for and conducting public meetings for NEPA and CEQA process
- Prepare initial scoping report
- Develop and maintain a public Web site
- Arrange and coordinate community presentations and event participation
- Arrange briefings for elected officials
- Conduct media relations
- Prepare and distribute collateral material

These tasks should be conducted in accordance with the adopted Environmental Justice Policy of the California Resources Agency (attached as Exhibit A) and other applicable policies and procedures.

Contract and Reporting

The Contracting Agency for the BDCP Public Involvement and Outreach Program has not yet been determined. The BDCP consultant will be required to adhere to the provisions of the consulting agreement as set forth by the Contracting Agency. For contractual-related issues, the consultant will be required to report directly to the Agreement Administrator of the Contracting Agency. In carrying out the services envisioned for the BDCP Public Involvement and Outreach Program, the consultant will be working under the direction of the larger BDCP Steering Committee, as set forth in the governance provision in the Planning Agreement, and the day-to-day direction of the BDCP Project Manager on behalf of the Steering Committee.

Submittal Requirements

Your Statement of Qualifications (SOQ) will be limited to no more than 20 pages (8.5 x 11 sheets; no less than 12 point font; double-sided pages count as two pages) and contain the following information, in this order:

1. Transmittal letter
2. Executive summary

3. General description of prime firm and all subconsultants, including a history of their past working relationships.
4. Description of team, focusing on the project manager and key team members, including an organization chart.
5. Description of directly relevant projects within the last ten (10) years that demonstrate qualifications. Only include projects that demonstrate the experience of the firm AND for which key team members have had substantial involvement. Include references for at least three (3) of these projects with client contact, title, organization, and phone number.
6. Project understanding
7. General approach
8. Descriptions of the hourly billing rates for all key team members, and proposed terms for direct costs and indirect costs (this material will not count towards the overall page limit)
9. Resumes of all key staff (no more than 2 pages each, double-sided; resumes do not count towards overall page limit).
10. Work samples (1 set of originals and ___ duplicates; must be bound with SOQ but do not count toward overall page limit).

Consultant Selection Process

A subcommittee of the BDCP Steering Committee will review the SOQs and develop a short list of qualified consultants. The format and logistics of these interviews will be provided once the short list is developed. The BDCP consultant will be selected by the BDCP Steering Committee based upon the SOQ, client references, and the interview. The BDCP Steering Committee reserves the right to require the addition of or removal of team members proposed by the consultants. The selected firm or firms will be invited to prepare a scope of work and cost estimate and enter negotiations with the contracting agency. If negotiations fail, the BDCP Steering Committee reserves the right to select the next qualified firm or re-open the bidding process.

The timeline for consultant selection is expected to be the following

SOQ due date: _____
 Consultants notified of short-list selection: _____
 Interviews: _____
 Consultant selection: _____
 Contract approval: _____
 Work start date (estimated) _____

Please send ___ paper and one electronic copy of your SOQ to:

[Insert contact and address]

Any questions about this RFQ must be made in writing and shall be directed to _____ at _email address_____.

Exhibit A

ENVIRONMENTAL JUSTICE POLICY California Resources Agency

Mission Statement of the California Resources Agency

To restore, protect and manage the state's natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved.

Environmental Justice Definition

California law defines Environmental Justice as “the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Government Code Section 65040.12 and Public Resources Code Section 72000).

Background

The concept behind the term “environmental justice” is that all people – regardless of their race, color, nation or origin or income – are able to enjoy equally high levels of environmental protection. Environmental justice communities are commonly identified as those where residents are predominantly minorities or low-income; where residents have been excluded from the environmental policy setting or decision-making process; where they are subject to a disproportionate impact from one or more environmental hazards; and where residents experience disparate implementation of environmental regulations, requirements, practices and activities in their communities. Environmental justice efforts attempt to address the inequities of environmental protection in these communities.

Agency Actions

All Departments, Boards, Commissions, Conservancies and Special Programs of the Resources Agency must consider environmental justice in their decision-making process if their actions have an impact on the environment, environmental laws, or policies. Such actions that require environmental justice consideration may include:

- Adopting regulations
- Enforcing environmental laws or regulations
- Making discretionary decisions or taking actions that affect the environment
- Providing funding for activities affecting the environment
- Interacting with the public on environmental issues

Policy

It is the policy of the Resources Agency that the fair treatment of people of all races, cultures and income shall be fully considered during the planning, decisionmaking, development and implementation of all Resources Agency programs, policies and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development and implementation of all Resources Agency programs, policies and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions.

Implementation

The Resources Agency is committed to incorporating environmental justice in its processes, decisions, and programs by making reasonable efforts toward:

1. Identifying relevant populations that might be adversely affected by programs or projects submitted by outside parties, as appropriate.
2. Seeking out and consulting with community groups and leaders to encourage communication and collaboration prior to taking actions that may have an impact on the environment, environmental laws or policies.
3. Broadly distributing public information, in multiple languages if appropriate, to encourage participation in public processes.
4. Ensuring that public documents and notices relating to environmental issues that may have an impact on human health are concise, understandable, and readily accessible to the public, printed in multiple languages if appropriate.
5. Holding required public meetings, hearings, and workshops at times and in locations that encourage meaningful public participation by members of affected communities.
6. Working in conjunction with other federal, state, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations.
7. Fostering broad access to existing and proposed data sets and technology to better identify, analyze, and respond to environmental justice issues.
8. Providing appropriate training to staff on environmental justice issues so that recognition and consideration of such issues are incorporated into daily program activities.

This policy is intended only to improve the internal management of the Resources Agency and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of California, its agencies or instrumentalities, its officers or employees, or any other person.